

1917

## Comparative Study of Feeble-Mindedness among Offenders in Court

V. V. Anderson

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

V. V. Anderson, Comparative Study of Feeble-Mindedness among Offenders in Court, 8 J. Am. Inst. Crim. L. & Criminology 428 (May 1917 to March 1918)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

# A COMPARATIVE STUDY OF FEEBLE-MINDED- NESS AMONG OFFENDERS IN COURT.

V. V. ANDERSON<sup>1</sup>

In a former paper attention was called to three distinct types of mentality found amongst border-line mental cases in court. The Defective Mentality, the Psychopathic Mentality, and the Delinquent Mentality as such.

To be sure, there is often an over-lapping in the same individual, but for purposes of practical classification we may regard these three types of mentality as definite entities. Certainly they seem to present very marked individual differences, and create—because of essential constitutional dissimilarities—social problems that require entirely different angles of approach in dealing with them.

The present paper undertakes a comparative study of two of these types:

The Feeble-minded and the Psychopaths. For the purpose of this study two hundred cases were selected, one hundred from each group. The object of this study was to find out whether the apparent differences existing between these two types of individuals were sufficiently marked to make a separate classification practical.

The cases were taken from the files alphabetically and represented the first one hundred of each group whose clinical histories contained sufficient data to warrant inclusion for study.

As a matter of course, the earliest noticeable deviations were in childhood. Their ability to profit by school instruction sharply divided our two hundred cases into two well-defined groups. On the one hand we find individuals perfectly capable of profiting by school instruction, advancing from year to year, and, in the majority of instances, graduating from grammar school—many doing well in high school, some graduating and going on to college.

On the other hand we find a group of individuals, none of whom were able to graduate from grammar school, all of whom evinced an apparent incapacity for profiting by ordinary school instruction, could not measure up to the standards of normal mental development, as required by the public school curriculum, and, in general, were regarded as mental failures. The following table indicates the grade reached upon leaving school.

---

<sup>1</sup>M. D.; M. A.; Director of the Psychopathic Laboratory in the Municipal Court, Boston, Mass.

TABLE I.  
SHOWING THE SCHOOL GRADE REACHED BY 100 FEEBLE-MINDED AND  
100 PSYCHOPATHS RESPECTIVELY.

		<i>Feeble- minded.</i>	<i>Psycho- paths.</i>
<i>Grammar Grades</i>	Primary .....	4%	0
	1st Grade.....	11%	0
	2nd " .....	4%	0
	3rd " .....	12%	1%
	4th " .....	14%	0
	5th " .....	23%	2%
	6th " .....	11%	2%
	7th " .....	9%	4%
	8th " .....	7%	7%
	9th " .....	0	9%
		0	38% Graduated. No other schooling.
<i>High School</i>	1st year .....	0	4%
	2nd " .....	0	8%
	3rd " .....	0	1%
			6% Graduated. No other schooling.
<i>College</i>	Freshman year..	0	1%
	Sophomore year.	0	1%
	Junior year.....	0	1%
	Data not obtained	3%	13%
	No schooling....	2%	2%

The feeble-minded are more frequent at the lower end of the scale, while the psychopaths are found at the upper end. A majority of the feeble-minded—68%—never got further than the fifth grade in school, while 82% of the psychopaths got above the fifth grade. 60% of the psychopaths graduated from grammar school. 22% of the psychopaths went to high school, 9% graduated from high school, and 3% went to college. Not a single feeble-minded individual was ever able to finish grammar school.

This difference in behavior, at the very beginning of their training for life, constitutes the first link in the chain of evidence for differential diagnosis between these two types. One group very early in the race becomes disqualified and drops out. The other group goes on to a more extensive accomplishment of academic requirement.

In due course of time, our individuals reach that stage of their careers where the sterner problems of self-support are to be reckoned with. Just what individual differences their behavior here exhibited the following table will indicate:

TABLE II.  
SHOWING THE RELATIVE INDUSTRIAL EFFICIENCY OF 100 FEEBLE-MINDED AND  
100 PSYCHOPATHS.

	<i>Regularly employed.</i>	<i>Irregularly employed.</i>	<i>Odd jobs.</i>	<i>Work at home (Women).</i>	<i>Do not work at all.</i>
Feeble-minded ....	4%	21%	28%	13%	34%
Psychopaths .....	28%	41%	4%	17%	10%

Seven times as many psychopaths are steadily employed as feeble-minded. While the feeble-minded in a majority of instances (62%)

are either unemployable or simply do odd jobs, the psychopaths in 69% of cases were either steadily or irregularly employed and self-supporting.

The feeble-minded as a class are in the majority of these cases industrially inefficient and not capable of "holding down" positions for any length of time; while the psychopaths as a class are in the majority of cases fairly efficient, industrially capable of holding positions for much longer periods, and, when they lose them, do so more because of their temperamental peculiarities, their emotional instability, etc., than because of any real lack of industrial efficiency.

From these two types are drawn a large percentage of repeated offenders. The following table indicates the comparative frequency with which they appear in court:

TABLE III.  
SHOWING THE RELATIVE FREQUENCY OF ARRESTS AMONG 100 FEEBLE-MINDED AND 100 PSYCHOPATHS.

	<i>Total Number of Arrests.</i>	<i>Average Each.</i>
Feeble-minded .....	1,825	18.25
Psychopaths .....	369	3.69

It appears from the above that the feeble-minded are arrested almost five times as frequently as the psychopaths. This surely does not mean that the feeble-minded are five times as wicked or as delinquent as the psychopaths. It very probably refers to the fact that being more stupid they are more easily caught. Likewise, being economically more unstable, they drift aimlessly, falling into the hands of the court for various minor offenses which the psychopaths, because of their greater intelligence and economic efficiency, are able to avoid. Whatever be the explanation, I present the objective facts for what they are worth.

I shall review two main efforts at treatment tried by the court: Probation and Penal Treatment.

TABLE IV.  
SHOWING THE REACTION OF 100 FEEBLE-MINDED AND 100 PSYCHOPATHS  
RESPECTIVELY TO PROBATIONARY TREATMENT.

	<i>Feeble- minded.</i>	<i>Psycho- paths.</i>
Number of times placed on probation.....	432	161
	<i>F.M. Psycho.</i>	
Number of times surrendered.....	220 50	
Number of times inside probation.....	118 18	
Number of times defaulted.....	14	
Number of unsuccessful probation periods.....	338	82
Number of successful probation periods.....	94	79
Percentage of successful probations.....	21%	49%

Seventy-nine per cent of the probation periods of the feeble-minded were unsuccessful, while 51% of the probation periods of the psychopaths were unsuccessful. 21% of the probation periods of the feeble-minded were successful, while more than twice that number (49%) of the probation periods of the psychopaths were successful. The chances are better than two to one in favor of the psychopaths, and this without any special efforts directed toward training them to counteract those difficulties of personality most responsible for their failure. It is quite likely that more can be done for the psychopaths through probation than through any other agency, provided their treatment be guided by a knowledge of their temperamental peculiarities, their mal-adjustments of personality, so that their environment can be suitably influenced or chosen for them and they themselves trained to inhibit their impulses.

The feeble-minded are less promising. They suffer from a fundamental defect in their intelligence that renders them incapable of profiting properly by experience and prevents them from measuring up to the accustomed standards of conduct. Only a small percentage—in these cases not more than 25%—could be considered satisfactory probation cases. The larger proportion of the feeble-minded need more or less permanent supervision.

The court tried also Penal Treatment, as the following table will show:

TABLE V.

SHOWING THE DISTRIBUTION OF PENAL TREATMENT AMONG 100 FEEBLE-MINDED AND 100 PSYCHOPATHS RESPECTIVELY.

	<i>Number of sentences.</i>	<i>Average each.</i>	<i>Length of time sentenced.</i>	<i>Number of indeterminate sentences.</i>
Feeble-minded .....	735	7.35	106 years	250
Psychopaths .....	71	.71	12 years	14

Forty per cent of the arrests in case of the feeble-minded resulted in a sentence, while only 19% of the arrests in case of the psychopaths resulted in a sentence. Likewise, the length of time sentenced is proportionately much longer for the feeble-minded, though the type of offenses committed remain much the same. A recognition on the part of the judge of a difference in the character of treatment needed for these two types is apparent, though the real explanation may be found in the length of their records and recommendations of the probation officer.

Finally we come to the mentality of these two types. It stands

as the most important, the most fundamental factor underlying all the foregoing facts.

TABLE VI.  
SHOWING THE RELATIVE MENTAL LEVEL OF 100 FEEBLE-MINDED AND  
100 PSYCHOPATHS RESPECTIVELY.

	7-8 yrs.	8-9 yrs.	9-10 yrs.	10-11 yrs.	11-12 yrs.	Sub- normal.	Adult.
Feeble-minded.....	4	30	41	25	0	0	0
Psychopaths.....	0	0	0	1	3	12	84

Here again the feeble-minded are at the lower end of the scale, while the psychopaths are at the upper end. 75% of the feeble-minded had a mental level below ten years; none of the psychopaths had so low a level of intelligence. 25% of the feeble-minded were between ten and eleven years; only one per cent of the psychopaths had such a low level. None of the feeble-minded were above the eleven year level; 99% of the psychopaths were above this level.

The fact is that a great majority of the psychopaths (84%) had a perfectly normal intelligence, while all of the feeble-minded suffered from an arrest of mental development prior to reaching adolescence; an obvious defect in their general intelligence, a dwarfing of their mental powers, that prevented them from ever reaching the adult status of mentality. (To be sure some of the feeble-minded possess markedly psychopathic traits. They still, however, come under the classification of feeble-minded.)

We must think of the psychopaths in an entirely different light. We must consider these individuals in the light of adjustment of their personality, rather than in terms of general intelligence, and realize that their anti-social conduct is due less to their stupidity, less to their lack of understanding the demands of a normal social organization, and inability to foresee the consequences of their acts, than it is to a lack of ability to inhibit impulses, to assume responsibilities, to face difficult situations, to resist discouragements, and to co-ordinate properly a poorly balanced nervous mechanism. Their mentality is not defective in the usual meaning of the term, but is unstable, impulsive, vehement, in some cases erratic.

They are very emotional, easily upset, they lack inhibitions they undertake many obligations, but never fulfill any; they are restless, at times show great motor activity, become easily fatigued, and occasionally, they are violent and apparently insane under the influence of alcohol, drugs, or excitement. While under detention they clear up and give no evidence of a psychosis or mental defect, only to have another outbreak when things go wrong in their environment. In

institutions they give more trouble than any other group, and seem little modified by such treatment. At times they become absolutely unmanageable and because of the fact that they seem so erratic and uncontrollable, they are often considered insane, and are transferred to insane hospitals.

The fact is, these individuals are better handled outside, except in cases where vicious and markedly delinquent traits render their incarceration necessary. They react to discipline very poorly—one may say violently—but much progress can be made in training them, through an intelligent effort to understand their motives and to secure their own co-operation to the extent of undertaking to study their weaknesses and to develop their inhibitions. In other words, under proper care they can develop sufficient self-control to counteract their impulsive tendencies.

#### SUMMARY.

In this study a comparison has been made of feeble-mindedness and psychopathic personality under six main headings: Grade reached in school, industrial efficiency, number of arrests, reaction to probation, response to penal treatment, and mental level. It has appeared that there are marked differences in the way these two types react. The deviations are such as to justify their consideration under separate categories for practical court work.

The feeble-minded group have not been able to make the required progress in school. They were incompetent, impotent, and they dropped out, unable to finish grammar school. The psychopaths were able to make better progress. In the majority of cases they finished grammar school, many went on to high school, and some graduated and went on to college.

Comparing them on the basis of industrial efficiency, it was found that seven times as many psychopaths as feeble-minded were steadily employed. The majority of the feeble-minded were not self-supporting, while the majority of the psychopaths were.

The feeble-minded were arrested about five times as frequently as the psychopaths, but such facts should not be construed as indicating the comparative criminality of the two types. It can be interpreted only as indicating that the machinery of the court was employed more frequently for this group.

On probation the psychopath is twice as good a risk as the feeble-minded. It was thought that in general terms more could be done for the psychopaths through probation than through any other method, provided an effort be made to guide his treatment by knowledge of

his peculiar personality. The attitude of the court was in favor of this mode of treatment. The feeble-minded received twice as many sentences as the psychopath in proportion to number of arrests.

The most important feature of the entire chain of data is found in the table of mental level. None of the feeble-minded had a mental level above eleven years. All of the psychopaths—with one exception—possessed a level of intelligence above eleven years. The feeble-minded are found around the lower end of the scale of intelligence, while the psychopaths are around the upper end. We are to think of the feeble-minded in terms of development of general intelligence. A halt in development occurs prior to their reaching adolescence. We think of the psychopaths on the other hand, in terms of adjustment of their peculiar personality. Their intelligence itself is not at fault. They are unstable, impulsive, emotional, and poorly balanced. Contrasted with the normal individual, whose mental powers are correlated and well balanced, the mental machinery of the psychopath is discordant and poorly balanced.

In the light of the foregoing facts, it seems safe to conclude that any form of treatment that does not take into consideration the essential differences in mental makeup that exists between these two types must eventually fail to attain its object.